

## **II. Remarks**

### **Status of the Application**

Claims 9, 10, and 16-21 are pending. Claims 1-8, 11-5 and 18 are cancelled as being outside the currently elected group. Claims 9, 16, and 17 are currently amended. Claim 9 has been amended to be independent from cancelled Claim 1. Claims 16 and 17 are amended to depend from Claim 9. New claims 19-21 are added and find support in the specification on pages 15 and 16.

### **Restriction Requirement**

The Examiner has required restriction under 35 U.S.C. 121 to one of the following groups:

Group I, claims 1-3 and 5-6 drawn to a compound of EP<sub>2</sub> receptor agonist

Group II, claims 4 drawn to a method of making the compound

Group III, claims 9-10 and 15-18 drawn to a method of using the compound.

The Examiner has cited as the reason for the restriction requirement that the “inventions listed as Groups I-III do not relate to a single general inventive concept under 35 USC 121 or PCT Rule 13.1.”

The Examiner bases this decision on the reasoning that “WO99/26629 teaches the same compound as recited in the instant Claim 1 and its use as EP<sub>2</sub>receptor agonist” and uses this basis to conclude that the unity of Groups I-III is broken.

Applicants respectfully disagree with the examiner that the cited reference teaches the compounds of the invention. WO99/26629 discloses (±) trans-2-[4(1-hydroxyhexyl)phenyl]-5-oxocyclopentaneheptanoic acid but does not address the hydroxy group much less the stereochemistry of the hydroxy group.

The present invention relates to the (R)-hydroxyhexyl and the (S)-hydroxyhexl enantiomers, i.e., (1R,2S)-2-[4-(1-(R)-hydroxyhexyl)phenyl]-5-oxo-cyclopentaneheptanoic acid and (1R,2S)-2-[4-(1-(S)-hydroxyhexyl)phenyl]-5-oxo-cyclopentaneheptanoic.

WO99/26629 does not provide any data for any of the stereoisomers of the compound, only for the racemic mixture nor does it disclose any specific methods of synthesis or any techniques for chiral separation.

Because the reference cited by the Examiner does not teach the compounds of the present invention it does not destroy the unity of invention Applicants traverse the restriction requirement.

Nonetheless, In accordance with 37 CFR 1.499, Applicants elect group III drawn to a method of using the compound.

#### **Conclusion**

Applicants elect group III drawn to a method of using the compound.

Prompt and favorable consideration of this application is respectfully requested.

The Examiner is invited to telephone the undersigned with any questions or to discuss any matters that might be handled by Examiner's Amendment.

Respectfully submitted,

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Date

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